

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SERGEANT DANIELLE ALSTON,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 18-2362
CITY OF PHILADELPHIA, d/b/a/	:	
PHILADELPHIA POLICE DEPT.; and	:	
LIEUTENANT BRIAN DOUGHERTY,	:	
<i>Individually and in His Official Capacity as</i>	:	
<i>Lieutenant for the Philadelphia Police</i>	:	
<i>Department</i>	:	
Defendants.	:	

ORDER

AND NOW this 8th day of February 2019, upon consideration of Defendants' Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 9) and Plaintiff's Response thereto (ECF No. 10), it is hereby ORDERED as follows:

- (1) Defendants' Motion to Dismiss all claims against the City of Philadelphia (d/b/a as Philadelphia Police Department) is GRANTED as unopposed and said Defendant shall be DISMISSED from this action;
- (2) Defendants' Motion to Dismiss *all* claims against Defendant Dougherty is DENIED. Only the direct discrimination claims against Defendant Dougherty as contained in Plaintiff's Amended Complaint shall be DISMISSED. The remaining harassment and hostile work environment claims against Defendant Dougherty shall proceed; and,¹

¹ Defendants' Motion seeks dismissal of Plaintiff's entire Amended Complaint. (ECF No. 9 at 2.) Plaintiff concedes dismissal of the direct discrimination claims against Defendant Dougherty and in fact, said claims are the only ones to which Defendants' Brief speaks. (ECF Nos. 9; 10 at 15.) It is well established that failure to brief an issue results in waiver of the issue. *See Hawa v. Coatesville Area Sch. Dist.*, Civil Action No. 15-4828, 2016 U.S. Dist. LEXIS 17386, at *14 (E.D. Pa. Feb. 12, 2016) ("A party who fails to brief an issue waives that issue.") (citations omitted). Accordingly, the remaining claims against Defendant Dougherty shall stand.

- (3) **On or before March 1, 2019**, Defendant Dougherty shall file an Answer to Plaintiff's Amended Complaint.

BY THE COURT

/s/ C. Darnell Jones, II J.